

**REMARKS**

In the Office Action dated May 27, 2009, Claims 1, 2, 4-12, 14-23, 25 and 26 are pending in the application. The Office Action rejects Claims 1-2, 4-12, 14-23 and 25-26 under 35 U.S.C. 103(a) as being unpatentable over Cox (U.S. Patent No. 6,449,350) (hereinafter "*Cox*") in view of Grau et al. (U.S. Patent No. 5,818,906) (hereinafter "*Grau*") or Kline et al. (U.S. Patent No. 4,464,543) (hereinafter "*Kline*"). Claims 4-6, 14-16, and 18 are amended by this response to adjust claim dependency. No new matter is added by any of the claim amendments. Reconsideration of the present application is respectfully requested.

**Rejection under 35 U.S.C. 103(a)**

Claims 1-2, 4-12, 14-23 and 25-26 under 35 U.S.C. 103(a) as being unpatentable over *Cox* in view of *Grau* or *Kline*. Applicants respectfully traverse this rejection.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. §103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). When evaluating claims for obviousness under 35 U.S.C. 103, all the limitations of the claims must be considered and given weight. *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983) *aff'd* mem. 738 F.2d 453 (Fed. Cir. 1984). In other words, all words in a claim must be considered in judging the patentability of that claim against the prior art. MPEP § 2143.03 (emphasis added). Further, rejections based on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Teleflex Inc. v. KSR Int'l Co.*, 550 U.S. at 1, 82 USPQ2d at 1396 (2007).

The Office Action fails to establish a *prima facie* case of obviousness against Claim 1 because the combination of the cited references does not appear to disclose or even suggest all limitations of the claim. For example, the Office Action admits that *Cox* does not disclose "a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit" as recited in Claim 1 (emphasis added). *See Office Action*, dated May 27, 2009, page 4, lines 1-4, "Cox fails to clearly teach feature of a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit, as argued by the Applicants in

their remarks.” Instead, the Office Action appears to rely on either the teachings of *Grau* or *Kline* for disclosing the above recited limitation of Claim 1.

With regard to *Grau*, the Office Action, on page 4, states “*Grau* teaches a cable control unit (102) for detecting events associated with connections occurring in the cable telephone system. Information describing these events is placed into connection event reports and sent to a traffic analysis and planning system. *Grau* further teaches an ability to display history of connection events occurring within the communication system (see col.2, lines 45-64) wherein the connection events are messages associated with all activities which occur during a given connection (see col.5, lines 52-60).” The cited portions of *Grau* are as follows.

The present invention provides a method and apparatus for supplying information regarding traffic load supported by the communications system and for managing the communications system. Both telephony and cable specific information regarding traffic loads supported by the communications system and the characteristics of this load, including, for example, peak usage times, peak call load, and other telephony data, as well as cable specific information, such as cable interference occurrences, cable carrier utilization, and system channel utilization are recorded by the method and apparatus of the present invention. Such information provides an ability to browse through the history of connection events in the system. The present invention provides an ability to both display events in real-time and provide a history of connection events occurring within the communications system. Additionally, statistical reports and other summary reports may be generated from history logs gathered by the present invention.

*Grau*, col.2, lines 45-64.

With reference now to FIG. 5, a table of information elements that may be contained within a connection event message is depicted according to the present invention. Table 202 identifies the different types of information elements that may be contained within a connection event message, such as those listed in table 200 in FIG. 3. The connection identifier in table 202 is a unique value used to associate all activities which occur during a given connection. The sequence number information element is employed to indicate the sequence in which events occur and indicates the number of connection event messages sent for this connection. The time stamp information element indicates the time a particular event occurred.

*Grau*, col.5, lines 52-60.

The above cited portions of *Grau* appear to disclose maintaining a history of connection events in the system. *Grau* appears to define a connection event as an “event associated with

connections occurring in the cable telephony system.” (See *Grau*, Abstract). The types of connection events that the system maintains are illustrated in *Grau*’s Figure 3, as depicted below:

200  
CONNECTION EVENT MESSAGE TYPES

NAME
CABLE_CONN_ESTABLISHED
NETWORK_CONN_ESTABLISHED
CALL_STABLE
REG_SUMMARY
CAU_INIT_REG
CCU_INIT_REG
LINK_TRANSFER
CONN_RELEASED
CONN_FAILED
ABANDONED_CALL_REPORT
DOWNLOAD_REPORT

**FIG.3**

As depicted above and further described in *Grau*, the connection events describe details associated with a call connection. For example, the connection events include messages related to the establishment of a call connection, the release of a connection call, failure of a connection call, registration information, connection tests, and code downloads. *Grau*’s connection events appear to merely provide detail information relating to a call connection to assist in the management of the cable telephony system. (See *Grau*, Abstract, “Information describing these events is placed into connection event reports and sent to a traffic analysis and planning system (116) as the events are detected by the cable control unit (102). These reports are used to manage the cable telephony system (100).”) *Grau* does not appear to disclose or even suggest that the connection events include “activities previously done to balance traffic” as recited in Claim 1. Accordingly, *Grau* does not appear to disclose or even suggest “a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit” as recited in Claim 1 (emphasis added).

With regard to *Kline*, the Office Action, on page 4, states “Kline teaches a network control center (NCC) that allows a network operator take a course of action. For example, the NCC displays a history (summary) report of activities such as the last maintenance summary report from a specific switch to the network operator for localizing and diagnosing a reported problem (see col. 10, lines

28-51) for a purpose of quickly response to traffic conditions.” The cited portion of *Kline* is as follows.

Under different circumstances, the NCC operator may take a different course of action. If a switch problem instead of a trunk problem were suspected, the operator could examine the switch message database 65. The operator could select and retrieve the last maintenance summary report from a specific switch, or he might choose to see all maintenance messages from that switch for the last 30 minutes. In any case, the information is conveniently displayed. The operator may then choose to initiate a switch diagnostic. Depending on the results, the operator may transfer service to a redundant unit or put a unit out of service. If the problem were very serious, the operator could even re-route traffic to avoid the problem area. Again, actions taken would be tracked using the trouble ticket.

These are only simple examples of possible NCC activities. However, it is seen that from one central location, the NCC operator can localize a reported problem, effect required diagnostics, modify the switch hardware configuration, and, most important, provide a single maintenance contact for network users and provide coordination of repair efforts. The NCC thus provides a single center with overall maintenance responsibility.

*Kline*, col. 10, lines 28-51.

*Kline* appears to disclose a network control center (NCC) for managing a telecommunication network. See *Kline*, Abstract. As stated in the above cited portion of *Kline*, an NCC operator may examine the last maintenance summary report from a specific switch or see all maintenance messages from that switch for diagnosing problems within the network. In addition, the NCC operator may initiate switch diagnostic tests. However, *Kline* does not appear to disclose or even suggest that the disclosed “maintenance summary report” or “maintenance messages” include “activities previously done to balance traffic” as recited in Claim 1. The only examples that *Kline* provides as to the type of information that may be contain in the maintenance reports are switch status and error messages. (See *Kline*, col. 8, lines 42-51, “In a centralized control center environment, the operator must be made aware of critical maintenance conditions rapidly. The network switches remote all maintenance information to the network control center. However, in a multiswitch network the volume of maintenance information (e.g., switch status and error messages) can be so large that critical messages get overlooked. To ensure that critical conditions are not overlooked, the NCC alarm feature identifies messages requiring immediate operator attention.”) *Kline* appears devoid of any reference to maintaining a history of “activities previously done to

balance traffic” as recited in Claim 1. Therefore, *Kline* also does not appear to disclose or even suggest “a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit” as recited in Claim 1 (emphasis added).

Accordingly, because the Office Action admits that *Cox* does not disclose or suggest the “a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit” and because Applicants have demonstrated that neither *Grau* nor *Kline* appear to disclose or even suggest maintaining historical information regarding activities previously done to balance traffic for network equipment, the combination of *Cox* with either *Grau* or *Kline* fails to disclose the above recited limitation of Claim 1. Consequently, because the combination of the references fails to disclose or even suggest all limitations of Claim 1, the Office Action fails to establish a *prima facie* case of obviousness under 35 U.S.C. 103 against Claim 1 and Claims 2-10 depending therefrom (excluding canceled Claim 3).

In addition, Claims 2-10 recited additional limitations that do not appear to be disclosed or suggested by the combination of the cited references. For example, Claim 4 recites “wherein the line unit performance report and load balance display are displayed together” (emphasis added). The Office Action relies on *Cox* citing to Figures 5-7 and col.12, line 18 through col.13, line 63. However, neither the cited portion of *Cox* nor Figures 5-7 appear to disclose or even suggest displaying the line unit performance report and load balance display together. For instance, *Cox*’s FIG. 5 “shows traffic data for a particular component and a method for flagging aberrant data.” *Cox*’s FIG. 6 “shows a load service curve illustrating the difference in operating point capacity of a particular switch component for a particular constant.” *Cox*’s FIG. 7 “is a bar graph comparing (a) operating point capacity determined according to prior processes and only based upon overall switch capacity and (b) operating point capacity determined according to the processes of the present invention and on a per switch component basis.” Figures 5-7 clearly do not disclose or even suggest displaying the line unit performance report and load balance display together. In addition, the cited textual portion of *Cox* does not appear to disclose or even suggest displaying the line unit performance report and load balance display together. Therefore, for at least this additional reason, the Office Action fails to establish a *prima facie* case of obviousness against Claim 4.

In addition, Claim 6 recites “wherein the line unit performance details are requested by selecting information displayed in the line unit performance report” (emphasis added). Again, the Office Action relies on *Cox* citing to Figures 5-7 and co1.12, line 18 through co1.13, line 63. However, neither the cited figures nor the cited portion of *Cox* appear to disclose or even suggest requesting line unit performance details by selecting information displayed in the line unit performance report as recited in Claim 6. *Cox* appears devoid of any such disclosure. Accordingly, for at least this additional reason, the Office Action fails to establish a *prima facie* case of obviousness against Claim 6.

Claim 11 recites, “displaying historical information regarding prior activities performed to balance traffic for network equipment associated with a line unit” (emphasis added). Claim 22 recites, “means for displaying previously performed load balance activities for network equipment associated with a line unit” (emphasis added). For at least the reasons stated above, the combination of *Cox* with either *Grau* or *Kline* fails to disclose or even suggest all limitations of Claims 11 and 22. Accordingly, the Office Action also fails to establish a *prima facie* case of obviousness under 35 U.S.C. 103 against Claims 11, 22, and the claims depending therefrom.

**CONCLUSION**

For at least the foregoing reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner. Any communication initiated by this paragraph should be deemed an "Applicant-Initiated Interview."

Applicants believe no fee is due. However, if a fee is due, please charge our Deposit Account No. 19-3140, under Order No. 11000060-0041 from which the undersigned is authorized to draw.

Dated: June 17, 2009

Respectfully submitted,

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